

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>JOSHUA JURCICH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 09-cv-508-DRH</b>
	)	
<b>MATT SPAELLER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court *sua sponte*. At the time he filed his pro se civil rights complaint pursuant to 42 U.S.C. § 1983 (Doc. 1) and his motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (Doc. 2), Plaintiff was confined at the Lawrence Correctional Center. After filing the complaint and the instant motion to proceed *in forma pauperis*, Plaintiff was released from confinement. Because he was detained at the time he filed these pleadings, this Court held that the prisoner provisions of 28 U.S.C. § 1915 still apply. *See Robbins v. Switzer*, 104 F.3d 895, 897-98 (7<sup>th</sup> Cir. 1997).

Following the procedure detailed by the Seventh Circuit in *Robbins*, this Court calculated and assessed an initial partial filing fee of \$12.07 based on Plaintiff's prisoner account information. *See* (Doc. 6). Plaintiff was ordered to pay the initial partial filing fee within 15 days. *Id.* Plaintiff was further ordered to pay the balance of the filing fee or to file a motion to proceed *in forma pauperis* with respect to it within 15 days. *Id.* Plaintiff was warned that the failure to comply with the Court's Order could result in the dismissal of his case. *Id.*

More than 15 days have passed and Plaintiff has not paid the initial partial filing fee. Furthermore, Plaintiff has neither paid the balance of the filing fee nor submitted a proper motion to proceed *in forma pauperis* with respect to that amount. Plaintiff has not explained why he has failed to comply with this Court's prior order or sought additional time to comply with it. Therefore, **IT IS HEREBY ORDERED** that this case is **DISMISSED** with prejudice for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *Robbins*, 104 F.3d at 899; *see also Ladien v. Astrachan*, 128 F.3d 1051 (7<sup>th</sup> Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7<sup>th</sup> Cir. 1994). All pending motions are **DENIED** as moot.

**IT IS SO ORDERED.**

**DATED:** April 19, 2010.

/s/ David R Herndon  
**DISTRICT JUDGE**